SO ORDERED.

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Robert J. Faris
United States Bankruptcy Judge

# UNITED STATES BANKRUPTCY COURT

# DISTRICT OF HAWAII

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|---|---|
| In re Thomas Jay Evans, | Case No. 11-02960 |
| | Chapter 7 |
| Debtor. | |
| Thomas Jay Evans, | Adv. Pro. No. 12-90062 |
| Plaintiff, | |
| vs. | |
| United States Department of Education, | |
| | Re: Docket No. 12 |
| Defendants. | |

## ORDER PARTIALLY DISCHARGING STUDENT LOAN OBLIGATIONS

The debtor, Thomas Evans, initiated this adversary proceeding to discharge

his student loan obligations. The defendant, the United States Department of

Education (DOE), filed a motion for summary judgment, and the court held a

hearing on March 8, 2013. At the hearing, the parties agreed to mediate.

Unfortunately, the parties were unable to resolve their differences, so I granted summary judgement to the debtor. In my memorandum granting summary judgment, I granted him a partial discharge and required him to pay for five years. To determine how much the debtor should pay, I ordered the debtor to file declarations and supporting evidence by December 20, 2013 showing his net income. I also allowed the DOE to respond to the debtor by January 10, 2014.

The debtor timely filed his evidence, and the DOE did not respond.

After reviewing the evidence, I conclude that the debtor is entitled to a discharge of all his student loan debt except for $78,195.60. I find that the debtor's net income is $2,833.09 per biweekly pay period. There are 26 biweekly pay periods, which yields an annual net income of $73,660.34, or $6,138.36 per calendar month. I further find that the debtor's monthly expenses are $4,835.10, which yields a monthly surplus income of $1,303.26. Because I found that the debtor should be required to pay the DOE for five more years, the debtor is required to contribute all of his surplus income for the next five years, or 60 months, which totals $78,195.60.

I will enter a separate final judgment providing that the debtor's student loan obligations to the DOE are discharged except for $78,195.60, which he may

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pay over five years.

**END OF ORDER**

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